

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated March 12, 2007 (hereinafter Office Action) have been considered. Claims 1-25 remain pending in the application. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

REJECTIONS UNDER 35 U.S.C § 112

Claims 7-9 and 13-15 stand rejected based on 35 U.S.C. §112, second paragraph, as being indefinite. According to the Office Action, Claims 8-9 and 13-15 are rejected because “[e]ach of the claims limits a feature which is made optional by the claim on which it depends.” (Office Action, p. 2). Applicants respectfully traverse the rejection, but have amended Claims 7, 10, and 13 to address the concerns raised by the Examiner. Withdrawal of the rejection is therefore respectfully solicited.

Regarding the rejections of Claims 7, 8, and 14, Office Action asserts that these claims are indefinite because they contain a trademark or a trade name. The claims include the trademark “Bluetooth,” which the Examiner is interpreting as “any wireless data transfer protocol.” Applicants note that when, in this country, the meaning of a trademark is well-known and satisfactorily defined in the literature, the use of the trademark in the application is permitted. MPEP §608.01(v). Applicants submit that the term “Bluetooth” is a clearly identifiable and definite description of a particular wireless technology. For example, the Applicants direct the Examiner to <http://www.bluetooth.com/>, which provides a precise and unambiguous description of the Bluetooth technology and qualification requirements for Bluetooth-compatible devices. Further, the United States Patent and Trademark Office has issued over 900 patents which include the term “Bluetooth” in their claims. Each of these issued patents is attributed a presumption of validity including compliance with the requirements of §112, second paragraph. Thus, Applicants submit that the use of the trademarks “Bluetooth” in the instant claims is appropriate and does not render the claims indefinite. Applicants accordingly request that the rejection be withdrawn.

REJECTIONS UNDER 35 U.S.C § 102

Claims 1-7, 10, 16, 17-18 and 21-22 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,980,826 to Yamaguchi (hereinafter “*Yamaguchi*”).

Applicants respectfully traverse the rejections, however to facilitate prosecution of the application, have amended Claims 1, 10, 16, and 17 to better define the invention. For example, Claim 1 has been amended to set forth a mobile information system provides information to network entities via a legacy mobile communications packet-switched network. A Common Gateway Interface (CGI) interfaces information sources of the mobile information server with the network, and receives addressed information requests from the network entities. The information sources include personal information stored on the mobile information system by a user of the mobile information system. The mobile information server selects at least one information source from the information sources, and facilitates information exchange from at least one of the information sources via the CGI in response to the addressed information requests from the network entities. The information exchange is provided independent of human interaction in response to the information requests. Similar features have been included in Claim 10, 16, and 17. Applicants submit that these amendments are fully supported in the Specification as filed.

In contrast to the Applicants’ independent claims, *Yamaguchi* is directed to a “system for controlling a device through a network by using a mobile terminal for saving a space and a cost of a whole system.” (*Yamaguchi*, Abstract). The system of *Yamaguchi* is used for remote control of devices by way of an HTTP server included on a cellular phone that is connected to the controlled device. For example, a “cellular phone 103 is incorporated into [a] device 101” and the phone 103 is coupled to “a controller 102 for controlling the device 101.” (*Yamaguchi*, col. 4, lines 24-25 and lines 47-50). The “device 101 can be anything, e.g., a vending machine, monitor camera, car, electric power meter, etc. as far as it can provide a condition and data of the device and can be controlled by accessing from an outside.” (*Yamaguchi*, col. 4, lines 43-46). The human interaction with the phone 103, controller 102, and device 101 is ultimately provided by a terminal device 108, such as a PC. (*Yamaguchi*, col. 4, lines 34-37). In another example, a cell phone 201 is

used to remotely provide dynamic content to a PC 209 such as sound and video (*Yamaguchi*, col. 7, lines 16-48).

As should be apparent from the descriptions of a cellular phone in *Yamaguchi*, *Yamaguchi* is not describing a mobile server that provides, in response to a network request, personal information stored on the mobile server by a user of the mobile server. Instead, *Yamaguchi* is describing a cellular phone with a web server being used as wireless controller for another device, or as a wireless camera/microphone that streams content by way of the web server. In particular, *Yamaguchi's* inclusion of the cell phone in a device such as "a vending machine, monitor camera, car, electric power meter" and the access of the phone's web server by a PC indicates that the cellular phone of *Yamaguchi* is not a user device at all, but is a phone that has been adapted purely as a server and is not intended as personal mobile device. Therefore, because *Yamaguchi* does not expressly or inherently describe a mobile server that serves personal information stored on the mobile server by a user of the mobile server, *Yamaguchi* does not anticipate Claims 1, 10, 16, and 17.

In addition, *Yamaguchi* does not expressly or inherently describe a Common Gateway Interface (CGI) that interfaces information sources of the mobile information system with the network, nor does *Yamaguchi* describe the selection of one of the information sources and provide the selected information source via the CGI. As is evident from *Yamaguchi* (in particular as seen in FIGS. 1 and 5), the web server software 105, 203 is a specialized server intended to interact with control module software 106, 213 for a single purpose, such as device control or streaming media. As described above, *Yamaguchi's* cell phone is purely acting as a server and not as a personal mobile device. Therefore there would be no need to access a plurality of general-purpose applications by way of a CGI because the cell phone is shown fulfilling a specific purpose. In contrast, modern personal mobile devices may contain a plurality of applications, and a CGI provides facilitates a consistent interface for accessing diverse applications. Thus, *Yamaguchi* does not anticipate Claims 1, 10, 16, and 17 for the additional reason that *Yamaguchi* does not expressly or inherently describe a mobile server using a CGI that selectably interfaces multiple information sources with a network.

Dependent Claims 2-7 depend from independent Claim 1, and dependent Claims 18 and 21-22 depend from independent Claim 17. These dependent claims also stand rejected under 35 U.S.C. §102(e) as being anticipated by *Yamaguchi*. While Applicant does not acquiesce with the particular rejections to these dependent claims, including any assertions concerning inherency or the taking of Official Notice, these rejections are now moot in view of the remarks made in connection with independent Claims 1 and 17. These dependent claims include all of the limitations of the base claim and any intervening claims, and recite additional features which further distinguish these claims from *Yamaguchi*. Therefore, dependent Claims 2-7, 18, and 21-22 are also in condition for allowance.

REJECTIONS UNDER 35 U.S.C § 103

Claims 11, 12, 19 and 25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Yamaguchi*. According to the Office Action, the storing of data in a server directory is “notoriously old and well-known in the art.” (Office Action, p. 9, para. 30). Applicants respectfully assert that the storage of images and telemetry in a directory server set forth in these claims, especially when Claims 11, 12, 19 and 25 are viewed as a whole, is not capable of instant and unquestionable demonstration as being well-known in the art. In determining the differences between the prior art and the claims, the question under 35 U.S.C. § 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. Taking official notice of the above-discussed “facts” disregards the requirement of analyzing Applicants’ claimed subject matter as a whole. Applicants respectfully reiterate the legal tenet that facts so noticed should not comprise the principle evidence upon which a rejection is based. MPEP § 2144.03.

In particular, the Applicants respectfully submit that the failure of *Yamaguchi* to disclose storing images and telemetry in a server directory of a mobile device highlights particular differences between *Yamaguchi* and Applicants’ invention. *Yamaguchi* is not describing a phone being operated as user device, but as a service interface for other devices. As such, there would be no reason for the phone described in *Yamaguchi* to store

any data, because the PC that acts as the user device in *Yamaguchi* would be used to store any data gathered by the phone. As such, Applicants respectfully submit that Claims 11, 12, 19 and 25 are allowable over *Yamaguchi*.

Claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Yamaguchi* in view of U.S. Publication No. 2002/0194500 by Bajikar (hereinafter "*Bajikar*"). Claim 9 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Yamaguchi* in view of U.S. Patent No. 6,583,807 to Chang et al. (hereinafter "*Chang*"). Claims 13 and 23-24 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Yamaguchi* in view of U.S. Patent No. 5,742,845 to Wagner (hereinafter "*Wagner*"). Claim 14 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Yamaguchi* in view of *Wagner*, and further in view of *Bajikar*. Claim 15 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Yamaguchi* in view *Wagner*, and further in view of *Chang*. Claim 20 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Yamaguchi* in view of U.S. Publication No. 2002/0015403 by McConnell et al. (hereinafter "*McConnell*"). Applicants respectfully traverse the rejections.

For the rejections of Claims 8, 9, 11-15, 19, 20, and 23-25, *Yamaguchi* is relied upon as teaching the substance of the claims from which Claims 8, 9, 11-15, 19, 20, and 23-25 are dependent, namely, independent Claims 1, 10, and 17, respectively. The rejections do not rely on the assertion of Official Notice or the combinations of *Bajikar*, *Chang*, *Wagner*, and *McConnell* as providing a remedy to the deficiencies of *Yamaguchi* as it pertains to independent Claims 1, 10, and 17 nor do *Bajikar*, *Chang*, *Wagner*, and *McConnell* provide such a remedy. Thus, because none of *Yamaguchi*, *Bajikar*, *Chang*, *Wagner*, and *McConnell* teach or suggest at least the recitations of Claims 1, 10, and 17, a combination of these references also fails to teach these recitations. While other requisites of establishing *prima facie* obviousness may also be absent, the Applicants respectfully submit that the cited combination of references at least fails to teach or suggest all of the claim limitations. For at least this reason, Claims 8, 9, 11-15, 19, 20, and 23-2 are not rendered obvious by the combinations of *Yamaguchi*, *Bajikar*, *Chang*, *Wagner*, and *McConnell*, and withdrawal of the rejection is respectfully solicited.

Authorization is given to charge Deposit Account No. 50-3581 (NOKM.054PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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